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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,769	12/20/2001	Jasper Zuidervaart	NL000759	4026

7590

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EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/024,769

Applicant(s)

ZUIDERVAART ET AL.

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 41/2 & 5. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the use of legal phraseology and not in a single paragraph. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: The usual heading "Background of the Invention", "Summary of the Invention", etc. should be utilized.

Appropriate correction is required.

Drawings

4. The drawings are objected to because Figure 4 does not appear to show a connecting portion correctly. A central surface (11) appears to be not connected to the connecting portion (10). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the device set forth in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The drawings do not show a combination of elements recited in claims 1 and 7.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 2 and 8 are objected to because of the following informalities: In claim 2, it is not clear what is meant by "and/or". In claim 8, it is not clear what is meant by "the or each outer cutting member".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language. Applicant is required to review and correct all the pending claims. Failure to do so may result in the next action made final.

Regarding claims 1 and 8, the phrases "such as", "or the like", and "for example" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable.

In claim 2, is "means for fastening" referring to "fastening means" in claim 1 or is it in addition to the fastening means in claim 1?

In claim 3, "the annular element" lacks positive antecedent basis. Is the annular element referring to the element in claim 1? It is not clear whether "its" on line 4 is referring back to the annular element or cutting members. It is not clear what structure is referred by "which surface" on line 5.

In claim 4, "the ring" lacks positive antecedent basis. It is not clear what structure is set forth by "a surface with a raised, slightly conical edge is provided within the ring so as to be connected to the ring...". It is not clear how "a surface" is structurally related to the auxiliary part?

In claim 5, "the central surface" lacks positive antecedent basis. It is not clear what structure is referred by "its other side". It is not clear what structure is set forth by "a projection which fits an accommodation space of the cutting member". Does that mean the projection fits within the space or the space is provided on the projection?

In claim 6, it is not clear what structure is set forth by "a wear indicator is provided on a central surface". What is the central surface of a rectangular shape part with a recess?

In claim 7, the phrase "in particular" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable. Is "a projection" in addition to "an element" recited in claim 1?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Regan (US 3,477,127).

Regan discloses all the recited elements of the invention including an auxiliary part having an element (14), fastening means (col. 2, line 17-19) and a rectangular shape with a rectangular recess (see Figure 3).

11. Claims 1, 3-5 and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hosokawa et al. (US 5,706,582).

Hosokawa discloses all the recited elements of the invention including an auxiliary part having an annular element (132), fastening means (col. 10, line 9-10) and a skin stretcher member (170). Regarding claim 4, a surface with a raised, slightly conical edge (Figure 23 at 124). Regarding claim 5, a central surface (Figure 23 at 133).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claim 6, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Regan (US 3,477,127) in view of Welsh (US 5,603,161).

Regan discloses the invention substantially as claimed except for a wear indicator wherein the indicator becomes visible when the lubricant carrier has become substantially exhausted. Welsh discloses a lubricant carrier having a wear indicator (60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lubricant carrier having a wear indicator as taught by Welsh on the device of Regan in order to provide means for assessing the remaining amount of lubricant so as to help users to obtain a more comfortable shave.

14. Claim 7, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosokawa et al. (US 5,706,582) in view of Ikuta et al. (US 5,283,953) and Welsh (US 5,603,161).

Hosokawa discloses the invention substantially as claimed including a base part with a projection (see Figures 22-23). Hosokawa does not disclose a snap connection and a wear indicator covered by a lubricant layer. Ikuta teaches a snap connection (34) to attach two parts together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Hosokawa with a snap connection taught by Ikuta in order to provide means for detachably supporting a skin engaging surface. Furthermore, Welsh discloses a lubricant carrier having a wear indicator (60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lubricant carrier having a wear indicator as taught by Welsh on the device of Hosokawa in order to provide means for assessing the remaining amount of lubricant so as to help users to obtain a more comfortable shave.

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Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitamura, Horii et al., Doroodian-Shoja Siamak, Szymansky, Sterk et al., and Kakimoto are cited to show related devices.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC
March 20, 2003


Stephen Choi
Patent Examiner